



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS
Signature required

MAY 16 2016

Mr. John Trader
General Manager
Egide USA, Inc.
4 Washington Street
Cambridge, MD 21613

Re: Notice of Violation
Compliance Evaluation Inspection
July 6-7, 2015
EPA ID No. MDR000501163

Docket Number: R3-16-NOV-RCRA-019

Dear Mr. Trader:

On July 6-7, 2015 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under Code of Maryland Regulations (COMAR) 26.13 and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at Egide USA, Inc. A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that Egide USA, Inc. (the Facility) is violating regulations promulgated under COMAR and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation(s) are:

1. During the inspection the inspector observed several open containers marked as hazardous waste. The first container was located in the Wastewater Treatment Plant (WTP) Room and labeled as spent "nickel strike"; see page 3 and photos 1 and 2 of the inspection report. In the WTP Filter Press Area there was 1 open cubic yard super sack container observed; see page 4 and photo 7 of inspection report. In the Sludge Storage Area the inspector observed 3 open cubic yard super sack containers; see page 4 and photos 9-14 of inspection report. No waste was being added to these containers at the time of the inspection. A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste as required in COMAR 26.13.05.09 D [40 CFR §265.173(a)].
2. Personnel training documents reviewed did not maintain a written job description for the Plant Process Engineer and the duties that position performs as it relates to

hazardous waste management as required in COMAR 26.13.05.02G(4)(b) [40 CFR §265.16(d)(2)]. See page 5 of the inspection report.

3. During the review of the weekly inspections records for hazardous waste containers, the inspector determined that the containers stored in the WTP room and Filter Press area were not inspected weekly. The records also showed missing weeks for December 20, 2012 to January 3, 2013, July 26, 2013 to August 8, 2013, and June 12, 2014 to June 26, 2014; see page 4 to 5 of inspection report. An owner or operator must inspect, at least weekly, areas where containers are stored as required in COMAR 26.13.05.09 E [40 CFR §265.174].
4. The copy of the facility emergency plan dated December 2, 2010 does not describe the arrangements agreed to by the local authorities as required in COMAR 26.13.04.B(3) [40 CFR §265.52(d)]. The plan also only lists phone numbers for the emergency contact information. The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator as required in COMAR 26.13.04.B(4) [40 CFR §265.52(d)].
5. During the review of land disposal forms the inspector did not observe a written notice to Advance Chemical Company (RID059735761) for waste with the codes F009, D003, D002, D008, and R012. The written notice copy to World Resources Company dated February 19, 2014 for the waste code F006 did not contain the manifest number. Written notices for waste sent to EQ Detroit, Inc (MID98099156) and Michigan Disposal Treatment Plant (MID000724831) were also not observed by the inspector. Generators that choose not to make the determination of whether the waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste and keep a copy in the file. The notice must include information in column "268.7(a)(2)" of the Generator paperwork Requirements Table as required in 40 CFR §268.7(a)(2).

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

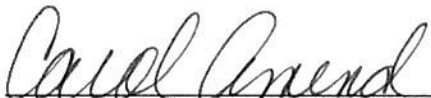
Within fifteen (15) business days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with violation noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to

comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103
Forostiak.stephen@epa.gov



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

May 16, 2016
Date

Enclosure

cc: S. Forostiak (3LC70)
B. Coblentz (MDE)